

REMARKS

These remarks are set forth in response to the non-final office action mailed February 10, 2005 (the "Office Action). As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 16 are pending in the Patent Application. Claims 1, 11, 14, 15 and 16 are independent in nature. In the Office Action, each of claims 1 through 4 and 10 through 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,633,630 to Owens et al. (Owens) in view of United States Patent No. 6,073,165 to Narasimham et al. (Narasimham).

Also, claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens and Narasimham, and further in view of United States Patent No. 6,131,123 to Hurst and further in view of United States Patent Publication No. 2002/0143951 to Khan et al. (Khan). Claim 7 further has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens in view of Narasimham and further in view of United States Patent Publication No 2001/0027479 to Delaney et al. (Delaney). Claims 8 and 9 yet further have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens in view of Narasimham, and further in view of Delaney and Khan. Finally, the Examiner has objected to the specification for having an improper top margin.

In response to the objections based upon the informalities of the specification, the Applicants submit herewith a replacement specification (identical to the filed specification) excepting for a one inch downwards shifting of the margins. Also, in response to the rejections on the art, the Applicants have considered the cited art and respectfully traverse the rejections

based thereupon. Prior to further addressing the rejections on the art, however, a brief review of the Applicants' invention is appropriate.

The Applicants have invented a method, data processing system and computer program enabling the selection of an appropriate communications strategy for inter-broker communications links within a message broker network. Inter-broker communications links in this context are communications links between brokers as is well known in the art and discussed in the Background Section of the Patent Application with particularity. Likewise, a communication strategy in this context is the policy regarding whether a broker should forward messages to all of its neighbor brokers ('broadcast'), or whether a broker should filter messages based on subscription information for connected brokers. If filtering is selected as the communication strategy, it further can be determined which filtering rules to implement and when.

Owens, unlike the Applicants' invention, does not relate to inter-broker communications links as it is understood in the art. Rather, Owens relates generally to communication technologies such as electronic mail (e-mail), voice mail, and facsimile (fax) mail messaging. Particularly, the Owens invention relates to systems for seamlessly integrating communications to facilitate access to electronic mail, voice mail, and fax mail messages via multiple single access points. In particular, the Owens invention addresses perceived limitations in communications technology that require receivers to retrieve messages in accordance with a predetermined communication medium or in accordance with the communication mode selected by senders.

In Owens, a seamlessly integrated communications system is provided which combines e-mail, voice mail, and fax mail messages in a universal mailbox with capabilities for same-media and cross-media notification and responses. The universal mailbox of Owens purports to support cross-media messaging so all inbound messages--regardless of the originating communication medium--may be retrieved by a message receiver using a single access device or communication mode such as a telephone or computer. Cross-media notification capabilities further allow a message receiver to be paged when a new e-mail message arrives or to get an e-mail message when a voice mail message arrives. Cross-media responding capabilities yet further allow a message receiver to send a voice mail message in response to an e-mail message, send an e-mail message in response to a voice mail message, and to send a fax in response to an e-mail message.

Narasimhan, like Owens, also *does not relate to inter-broker communications links as it is understood in the art*. Rather, Narasimhan relates to a message processing and forwarding system for processing electronic messages in a digital format received over a computer communication path or network, and forwarded over a telephone circuit switched network to a user's receiver, such as a pager. In Narasimhan, a content processor in a message server processes the received digital message in accordance with knowledge of the receiver's capabilities and user-configured message filtering information to create a customized second message suitable for handling by the user's receiver at a remote physical location. In a preferred embodiment of Narasimhan, the original digital message is part of an e-mail message received and forwarded through a conventional computer communication network such as the Internet.

Claims 1, 11, 14, 15 and 16 of the Patent Application each recite, among several limitations wholly lacking within the cited art, "message brokering systems", "inter-broker communications" links between different message brokering systems, and "selecting a message filtering policy" which is appropriate for a communications characteristic. For instance, the Examiner suggests in paragraph 3 of the Office Action that Owens teaches the selection of a message filtering policy which is appropriate for a communication characteristic and the control of a forwarding of messages via the inter-broker communication link using the selected message filtering policy. Notwithstanding, Owens does not provide this teaching. A specific analysis of Owens and Narasimhan follows.

The principal rejections on the art reference Figure 3 of Owens and column 8 lines 34-36 of Owen. Yet, the referenced figure and text provide no information regarding a communication characteristic or message filtering in the sense of the present application--inter-broker communications. At best, column 10 lines 24-56 describes message forwarding options that are available to senders and receivers of messages (and not message brokers). Furthermore, Owens explains that these message forwarding options are selectable according to the preferences of senders and receivers. Importantly, there is no mention of an "inter-broker communication link" at column 10 line 57 to column 11 line 21 of the Owens reference.

More generally, it can be seen that Owens teaches integrating e-mail, voice mail and fax messages in a universal mailbox with capabilities for same-media and cross-media notification and responses. Owens sets out to solve the constraint of having to retrieve messages via a predetermined communication "medium" (e-mail, voice, fax) or a sender-selected communication "mode" (telephone, pager or computer/modem). The universal mailbox

described in Owens supports cross-media messaging so that all inbound messages may be retrieved by a message receiver using a single access device or communication mode regardless of the originating communication medium. Owens does not describe selecting a message filtering policy in response to a communication characteristic of an inter-broker communication link.

Although Owens uses the term "filtering", this apparently refers to triggering notifications and/or converting messages to a different medium for forwarding and there is no disclosure of message filtering in the sense of filtering out messages which are of no interest to subscribers. Instead, Owens defines "filter and forward" processing of messages as applying rules to immediately notify a receiver of a new message or to deliver a message to an alternative device/address. This is based on receivers' preferences regarding the medium or mode to be used for receiving messages, and is not a selection of a message filtering policy in response to a communication characteristic of an inter-broker communication link. Therefore, it is clear that Owens is not analogous to the present situation and that the Examiner has applied Owens utilizing the hindsight knowledge of the Applicants' disclosure of the present invention.

Narasimhan, by comparison, has been cited for the proposition of message filtering and, as stated in the Office Action, Narasimhan teaches "selectively taking a configurable course of action depending on the link conditions or characteristics". Nevertheless, the portion of column 7 of Narasimhan referred to by the Examiner only describe what happens in response to failure conditions - specifically reallocating resources to reroute a message via a redundant resource. Narasimhan wholly lacks disclosure pertaining to the selection of a message filtering policy in response to a communication characteristic of an inter-broker communication link.

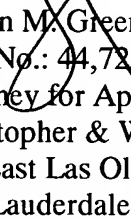
The Examiner will note that, as required by Section 2143 of the MPEP, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must reach or suggest all the claim limitations. Yet it will be clear to the Examiner that no reference, including Owens and Narasimhan, when combined can satisfy the three basic criteria of Section 2143 at least because of the failings of each of Owens and Narasimhan as references. Thus, the combination of Owens and Narasimhan cannot support a rejection under 35 U.S.C. § 103(a).

Furthermore, while the Examiner suggests that it would be obvious to modify the Owens with Narasimhan, it has not been explained by reference to the disclosure of Owens and Narasimhan what would motivate a person having ordinary skill in the art of inter-broker communications to select from and then modify teachings of the two references in a way necessary to achieve a message brokering system that includes means, responsive to a communications characteristic of an inter-broker communication link, for selecting a message filtering policy which is appropriate for the communication characteristic, and means for controlling the forwarding of messages via the inter-broker link. In fact, it further has not yet been explained why one interested in inter-broker communications would refer to the teachings of Owens and Narasimhan as neither relate to the field of inter-broker communications and middleware and each are non-analogous art to the field.

Hence, the combination of Owens and Narasimhan are fatally defective as the combination fails to teach several recited limitations of each of the independent claims. Thus, the Applicants believe that claims 1-16 distinguish over the cited art and stand patentable and ready for an indication of allowance. To that end, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a) owing to the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: May 10, 2005



Steven M. Greenberg
Reg. No.: 44,725
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 46320
Tel: (954) 828-1488
Fax: (954) 828-9122

Application No. 10/016,935

Filed: 12/14/2001

Attorney Docket No.: GB920010076US1 (7161-184U)

APPENDIX A

SUBSTITUTE SPECIFICATION